

## **Part 3**

### **Approval Process**

#### **73-3c-301 Application to the Water Quality Board.**

- (1) A public agency proposing a water reuse project shall apply to the Water Quality Board created by Section 19-1-106.
- (2) The Water Quality Board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the consideration and approval of water reuse applications and administration of water reuse construction and operating permits.
- (3) Rules created under Subsection (2) shall require that water reuse meet standards and requirements for water quality set by the Water Quality Board in accordance with Title 19, Chapter 5, Water Quality Act.
- (4) The Water Quality Board shall issue a written decision for each water reuse application.

Amended by Chapter 382, 2008 General Session

#### **73-3c-302 Application to the state engineer.**

- (1) A public agency proposing water reuse shall apply to the state engineer.
- (2) An application for water reuse under Subsection (1) shall be made upon forms furnished by the state engineer and shall include:
  - (a) the name of the applicant;
  - (b) a description of the underlying water right;
  - (c) an evaluation of the underlying water right's diversion, depletion, and return flow requirements;
  - (d) the estimated quantity of water to be reused;
  - (e) the location of the POTW;
  - (f) the place, purpose, and extent of the proposed water reuse;
  - (g) an evaluation of depletion from the hydrologic system caused by the water reuse; and
  - (h) any other information consistent with this chapter that is requested by the state engineer.
- (3) An application under Subsection (1) shall include a copy of a reuse authorization contract for water reuse proposed by a public agency for any underlying water right not owned by the public agency.
- (4) In considering an application for water reuse, the state engineer shall comply with:
  - (a) Section 73-3-6;
  - (b) Section 73-3-7;
  - (c) Section 73-3-10; and
  - (d) Section 73-3-14.
- (5) In determining whether a proposed water reuse is consistent with the underlying water right, the state engineer shall conclude that a proposed water reuse is consistent with the underlying water right if:
  - (a) the use of the reuse water does not enlarge the underlying water right; and
  - (b) any return flow requirement of the underlying water right is satisfied.
- (6)
  - (a) The state engineer shall approve a water reuse application if the state engineer concludes that the proposed water reuse is consistent with the underlying water right.
  - (b) The state engineer may:

- (i) deny an application for water reuse if the proposed water reuse is inconsistent with the underlying water right; or
  - (ii) approve the application in part or with conditions to assure consistency with the underlying water right.
- (7) A public agency with an approved reuse application shall submit a report, as directed by the state engineer, concerning the ongoing water reuse operation.
- (8) The state engineer may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this chapter.

Amended by Chapter 382, 2008 General Session

**73-3c-303 Inflow of unappropriated water -- Application to appropriate.**

If domestic wastewater inflow to a POTW consists of any unappropriated infiltration water, a person may apply to the state engineer to appropriate the unappropriated infiltration water to a beneficial use in accordance with Section 73-3-8.

Enacted by Chapter 179, 2006 General Session

**73-3c-304 Change in point of discharge.**

- (1) The point of discharge of water from a POTW may be changed if the Water Quality Board determines that a change is necessary:
  - (a) for treatment purposes;
  - (b) to enhance environmental quality;
  - (c) to protect public health, safety, or welfare; or
  - (d) to comply with:
    - (i) rules created by the Water Quality Board in accordance with Section 19-5-104; or
    - (ii) the POTW's discharge permit.
- (2) Before changing the point of discharge from a POTW under Subsection (1), the Water Quality Board shall consult with the state engineer.

Enacted by Chapter 179, 2006 General Session